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AUG 21 2006

Patentees:	Catherine Anne Abbott et al.	)	
		)	
Patent No.	6,881,564	)	
		)	
Issued:	April 19, 2005	)	
		)	
Application No.	10/070,464	)	
		)	
Granted:	July 18, 2002	)	
		)	
For:	DIPEPTIDYL PEPTIDASES	)	Attorney Docket No. <u>FCSB-100</u>

REQUEST FOR RECONSIDERATION OF DECISION  
REGARDING PATENT TERM ADJUSTMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The patentees of the above-identified U.S. Letters Patent hereby request reconsideration of the Decision Regarding PTA mailed on June 21, 2006.

The Decision appears to be based on 37 CFR 1.704(c)(10). That particular provision of the Rules of Practice in Patent Cases applies only to a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application, however. The Decision itself recognizes that submission of a request to correct an error or omission in the Notice of Allowance or Notice of Allowability is not considered a failure to engage in reasonable efforts to conclude processing or examination of an application. The filing of a Rule 312 Amendment is indeed such a request, and may be entered without withdrawing the application from issue. 37 CFR 1.312, emphasis added.

It must also be noted that the lead paragraph of the Examiner's Amendment invited the applicants to file a Rule 312 Amendment should the changes and/or additions be unacceptable. Applicants' Rule 312 Amendment is indeed a Response to that invitation.

Thus, where, as here, the applicants elected to correct errors in the claims introduced by the Examiner's Amendment in the manner contemplated by the Rules, the provisions of 37 CFR 1.70(c)(10) clearly are not applicable. The noted errors in the claims

AUG 21 2006

Patent No. 6,881,564 - - - - 2

were not the fault of the applicants and could not have been obviated earlier. Accordingly, the 120-day deduction from the Patent Term Adjustment is neither warranted nor contemplated by the Rules of Practice in Patent Cases.

Restitution of the 120 days to the Patent Term Adjustment is requested.

Respectfully submitted,

August 21, 2006

By   
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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this REQUEST FOR RECONSIDERATION OF DECISION REGARDING PATENT TERM ADJUSTMENT is being transmitted by facsimile transmission to Fax No. 571-273-8300 on August 21, 2006.

  
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